

Remarks

In the present response, claims 1-17 are presented for examination, and claims 18-21 are withdrawn.

Claim Rejections: 35 USC § 103(a)

Claims 1-21 are rejected under 35 USC § 103(a) as being unpatentable over US provisional application 60/248,251 (Ebbs) in view of USPN 6,778,968 (Gulati). These rejections are traversed.

All of the elements of the claims are not taught or suggested in Ebbs in view of Gulati. In other words, the combination does not teach or suggest all the elements in the claims. Examples for various independent claims are provided below. **These examples show that the differences between the combined teachings in the art and the recitations in the claims are great.** As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

As one example, claim 1 recites that the auction auditing module generates simulated bids to audit the auction taking place on the auction site. Claim 10 recites simulated bidder data to submit at least one simulated bid to audit the auction. Claim 14 recites receiving a bid from a simulated bidder and then auditing the auction's behavior based on the bid placed by the simulated bidder.

The Office Action admits that "Ebbs does not explicitly teach simulated bidder data" (see OA at p. 3). Applicants agree with admission. The Office Action, however, attempts to cure this deficiency with Gulati. Applicants respectfully traverse.

Gulati teaches an auction for exchanging ownership interests in objects on a secondary market. Nowhere does Gulati teach or even suggest generating simulated bids to audit an auction. In fact, Gulati does not even discuss or suggest simulated bids for his auction. Furthermore, Gulati does not teach or even suggest that simulated bids can be used to audit an auction. Again, Gulati is not related to simulating bids.

The Office Action cites Gulati at column 19 for allegedly teaching simulating bids. This section of Gulati discusses a computational methodology that generates auto-probes. These auto-probes provide mathematical criteria for recognizing and routing

revenue opportunities in an auction exchange. Gulati discusses the novelty of using such probes:

[T]he notion of extracting opportunity in computational and information services markets from pending and incipient auctions in secondary product markets is novel, particularly because the paradigm of person-to-person auctions in consumer products and primary products does not carry over. Thus, the augmented GNS provides a closed form expression for recursively capturing an entire class of portfolio decomposition products... The method exploits Hopf algebras or quantum groups. This provides a generalization to ordinary groups and random walk algorithms applied in classical and neoclassical portfolio analysis.

Gulati uses these mathematical methodologies to assess secondary market dynamics. These methodologies, however, do not utilize simulations of bid data or simulations of bidders to audit the secondary markets. In fact, the methodologies do not use any simulation of bid data. Further, **Gulati never uses such methodologies to simulate bids to audit an auction.** Such simulations are not even suggested in Gulati. Instead, the methodologies use random walk algorithms which are “necessary to capture the essence of auctions in secondary instruments” (see Gulati at col. 19, lines 11-15). Using random walk mathematical methodologies in second market analysis is completely different than using simulated bids to audit an auction.

For at least these reasons, the claims are allowable over Ebbs in view of Gulati.

CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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